

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JERRY C. HAWK, §
§
Plaintiff, §
§
v. § No: _____
§ JURY DEMANDED
CRAIG WILKS, §
U. S. XPRESS, INC., §
U. S. XPRESS LEASING, INC., §
U. S. XPRESS ENTERPRISES, INC., and §
DOLLAR GENERAL CORPORATION, §
§
Defendants. §

COMPLAINT

COMES NOW Plaintiff, Jerry C. Hawk, and hereby files this Complaint for Damages and Jury Trial Demand against Defendants, Craig Wilks, U. S. Xpress, Inc., U. S. Xpress Leasing, Inc., U. S. Xpress Enterprises, Inc., and Dollar General Corporation, respectfully stating to the Court the following:

CAUSE OF ACTION

1. Plaintiff Jerry C. Hawk brings this action against D Defendants, Craig Wilks, U. S. Xpress, Inc., U. S. Xpress Leasing, Inc., U. S. Xpress Enterprises, Inc., and Dollar General Corporation for injuries sustained as a result of Defendants' negligence, wantonness, negligent entrustment/supervision, and failure to properly obey traffic laws.

2. As a result of Defendants' conduct, Plaintiff has sustained, and continues to suffer, serious injury, immense pain, emotional distress, and substantial expenses.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. § 1332 because the amount in controversy exceeds \$75,000, and is between citizens of different States.

4. Venue is proper in this Court because a substantial part of the events or omissions giving rise to Plaintiff's claims occurred in Jefferson County, Tennessee. 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff Jerry C. Hawk (hereinafter "Plaintiff") is a resident of Vincent, Alabama and is over the age of nineteen (19) years. He resides at 170 Raley Street, Vincent, Alabama 35178 and he is an Alabama citizen.

6. Defendant Craig Wilks is a resident of Lugoff, South Carolina and is over the age of nineteen (19). He resides at 37 Leatherwood Drive, Lugoff, South Carolina 29078. He is a South Carolina citizen.

7. Defendant US Xpress, Inc. is as subsidiary of U.S. Xpress Enterprises, Inc. They are incorporated in Tennessee, with their headquarters located in Chattanooga, Tennessee. Their headquarters is located at 4080 Jenkins Road, Chattanooga, Tennessee 37421. They are domiciled in Tennessee.

8. Defendant U. S. Xpress Leasing, Inc. is as subsidiary of U.S. Xpress Enterprises, Inc. They are incorporated in Tennessee, with their headquarters located in Chattanooga, Tennessee. Their headquarters is located at 4080 Jenkins Road, Chattanooga, Tennessee 37421. They are domiciled in Tennessee.

9. Defendant U. S. Xpress Enterprises, Inc. is incorporated in Tennessee, with their headquarters located in Chattanooga, Tennessee. Their headquarters is located at 4080 Jenkins Road, Chattanooga, Tennessee 37421. They are domiciled in Tennessee.

10. Hereinafter, Defendants U. S. Xpress, Inc., U. S. Xpress Leasing, Inc., and U. S. Xpress Enterprises, Inc. will be collectively referred to as Defendant U. S. Xpress.

11. Defendant Dollar General Corporation (hereinafter "Dollar General") is incorporated in Tennessee, with their headquarters located in Goodlettsville, Tennessee. Their headquarters is located at 100 Mission Ridge, Goodlettsville, Tennessee 37072. They are domiciled in Tennessee.

FACTUAL ALLEGATIONS

12. On or about May 23, 2018, Plaintiff was departing from Nystar Mines in Strawberry Plains, Tennessee.

13. Plaintiff was traveling north from Douglas Dam Road on Old Dandridge Pike, a two-lane road.

14. On or about this same time, Defendant Wilks was traveling southbound on Old Dandridge Pike, operating a Freightliner tractor trailer owned by Defendant U. S. Xpress.

15. Defendant was pulling a trailer owned by Defendant Dollar General, which was carrying Dollar General merchandise.

16. When Plaintiff rounded a corner, Defendant Wilks was driving in Plaintiff's lane of traffic which caused Plaintiff to swerve right in order to avoid a head on collision with Defendant Wilks.

17. Defendant Wilks' conduct forced Plaintiff off of the road and into an embankment.

18. As a result of this wreck, Plaintiff suffered injuries to his neck, back and hip.

19. As a result of this wreck, Plaintiff has been unable to return to work, suffered insufferable and continuous pain, had multiple surgeries, and has suffered mental anguish.

CLAIMS FOR RELIEF
COUNT ONE
(NEGLIGENCE AND/OR WANTONNESS)

20. Plaintiff alleges that Defendant Wilks failed to exercise reasonable and ordinary care in the operation of his vehicle in a negligent, willful, and/or reckless manner, thus causing the tractor trailer to force Plaintiff's vehicle off the road and collide with an embankment.

21. Defendant Wilks failed to act as a reasonably prudent person would have in the operation of his vehicle by failing to stay in his designated lane, which caused Plaintiff to drive off the road and sustain injuries.

22. Defendant Wilks failed to operate his vehicle as a reasonably prudent person would have done under the same or similar circumstances.

23. Further, Defendant Wilks acted with knowledge of the circumstances and with reckless disregard of the consequences.

24. Upon information and belief, Defendant Wilks was acting in the line and scope of his employment with Defendant U.S. Xpress and/or Dollar General on May 23, 2018 when the wreck occurred.

25. Plaintiff further alleges that all Defendants were negligent, willful, and/or wanton in at least, but not limited to the following:

- a. Failure to exercise reasonable care in the operation of the vehicle;
- b. Operation of said vehicle in such a negligent, wanton and/or reckless fashion as to cause said vehicle to force Plaintiff's vehicle off the road in order to avoid a head-on collision;
- c. Failure to remain attentive to the roadway; and
- d. Failure to adhere to traffic laws and the Rules of the Road in accordance with the laws of Tennessee.

26. Defendants' conduct was negligent, willful and/or wanton and conducted and carried on with a reckless and/or conscious disregard of the rights and safety of others.

27. As a direct and proximate result of Defendants' negligence, willfulness and/or wantonness, Plaintiff suffered and continues to suffer injuries.

**COUNT TWO
(NEGLIGENT ENTRUSTMENT/SUPERVISION)**

28. Plaintiff alleges that on May 23, 2018, Defendant U.S. Xpress negligently entrusted their vehicle registered to Defendant Wilks, who is incompetent to operate a vehicle of this category in Tennessee.

29. Plaintiff further alleges that on May 23, 2018, Defendant Dollar General negligently entrusted their trailer and merchandise to Defendant Wilks, who is incompetent to operate a vehicle of this category in Tennessee.

30. Plaintiff further alleges that Defendant U.S. Xpress and Defendant Dollar General were aware that Defendant Wilks was incompetent to operate a vehicle of this category.

31. Plaintiff alleges that on and before May 23, 2018, Defendant U.S. Xpress and Defendant Dollar General negligently supervised and trained their agent/employee, Defendant Wilks, in the operation and control of the tractor trailer that Defendant Wilks was operating at the time of the wreck.

32. As a direct and proximate result of Defendant U.S. Xpress and Defendant Dollar General's negligent supervision and/or training of Defendant Wilks as their agent/employee and/or negligent entrustment of their vehicle to Defendant Wilks, Defendant Wilks forced

Plaintiff's vehicle off the road and into an embankment, which caused and continues to cause Plaintiff to suffer injuries.

33. Plaintiff demands trial by jury.

WHEREFORE, Plaintiff, Jerry Hawk, prays that the Court enter a judgment in his favor and against Defendants, in an amount to be determined by jury, commensurate with his damages including compensation, consequential, and exemplary punitive damages, and any further, general, and additional relief that this court deems just and proper.

Dated: May 8, 2019.

Respectfully Submitted,

/s/ R. Christopher Gilreath
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